

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

UNITED STATES OF AMERICA	:	
	:	
<i>Plaintiff,</i>	:	
	:	
	:	Civil Action No. 2:25-cv-00034
v.	:	
	:	
HOWARD HOLZMACHER, Jr., and	:	
NORTH LANDING FIREWOOD &	:	
HAULING, INC.,	:	
	:	
<i>Defendants.</i>	:	

**DEFENDANTS’ NOTICE OF WITHDRAWAL OF MOTION TO DISMISS**

Howard Holzmacher, Jr., and North Landing Firewood & Hauling, Inc. (collectively “Defendants”), by counsel, provide Notice of the following:

On April 15, 2025, Defendants filed a Consent Motion requesting an extension of time in which to file responsive pleadings [ECF 13]. On April 16, 2025, the Court granted the motion for extension of time, setting May 19, 2025, as the date by which Defendants were required to file responsive pleadings [ECF 14].

On May 15, 2025, the Plaintiff United States of America (“the government”) filed an Unopposed Motion to Stay the Responsive Pleading Deadline and Hold the Case in Abeyance. [ECFs 15 and 16].

On the afternoon of May 19, 2025, out of an abundance of caution, Defendants filed their responsive pleadings as a Motion to Dismiss for Failure to State and Claim and Lack of Subject Matter Jurisdiction, and Memorandum in Support of the same [ECFs 18 and 19].

Later that afternoon, the Court granted the government's motion to stay the responsive pleadings and placed the case in abeyance until June 14, 2025 [ECF 20].

Accordingly, because the case is now stayed and no responsive pleadings are required at this time, Defendants respectfully withdraw the Motion to Dismiss [ECFs 18 and 19] until the case is taken out of abeyance and a new date for responsive pleadings is set by the Court.

Respectfully Submitted,

**HOWARD HOLZMACHER, Jr., and  
NORTH LANDING FIREWOOD &  
HAULING, INC.,**

By: /s/ Bryan S. Peeples  
Bryan S. Peeples (VSB# 93709)  
PENDER & COWARD, P.C.  
222 Central Park Avenue, Suite 400  
Virginia Beach, VA 23462  
Phone/Fax: 757.490.6283  
bpeeples@pendercoward.com  
*Counsel for the Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of May, 2025, I filed the foregoing Notice of Withdrawal of Motion to Dismiss with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Albert Lin, Ca. Bar No. 338253  
Trial Attorney  
Environment & Natural Resources Division  
Environmental Defense Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Tel: (202) 514-2741  
Fax: (202) 514-8865  
[albert.lin@usdoj.gov](mailto:albert.lin@usdoj.gov)

Kent P. Porter, VSB No. 22853  
Supervisory Assistant U.S. Attorney  
Office of the United States Attorney  
Eastern District of Virginia  
101 W. Main Street, Suite 8000  
Norfolk, Va. 23510-1671  
Tel: (757) 441-6331  
Fax: (757) 441-6689  
[kent.porter@usdoj.gov](mailto:kent.porter@usdoj.gov)

By: /s/ Bryan S. Peeples  
Bryan S. Peeples (VSB# 93709)  
PENDER & COWARD, P.C.  
222 Central Park Avenue, Suite 400  
Virginia Beach, VA 23462  
Phone/Fax: 757.490.6283  
[bpeeples@pendercoward.com](mailto:bpeeples@pendercoward.com)  
*Counsel for the Defendants*